

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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VFC PARTNERS 1 LLC,
Plaintiff,

v.

WOC, INC.; SIMAYOF INC.; ADI
SIMAYOF; SARIT SIMAYOF; YEDIDIA
SIMAYOF; and SARIT SIMAYOF-
COHEN,
Defendants.

2:11-CV-00983-PMP-CWH

ORDER

Presently before the Court are Plaintiff VFC Partners 1 LLC's Motion for Summary Judgment (Doc. #31), and Defendants WOC, Inc., Simayof Inc., Adi Simayof, and Sarit Simayof Cohen's Countermotion for Summary Judgment (Doc. #50). The Court held a hearing on these motions on September 28, 2012.

Defendants do not dispute they agreed to the various loans and guaranties in the indicated amounts, that they defaulted, and that VFC made demand. However, genuine issues of material fact remain as to whether the parties reached an enforceable oral modification of the original loan and guaranty terms. See Clark Cnty. Sports Enters., Inc. v. City of Las Vegas, 606 P.2d 171, 175 (Nev. 1980); Silver Dollar Club v. Cosgriff Neon Co., 389 P.2d 923, 924-25 (Nev. 1964). The Court therefore will deny parties' cross-motions for summary judgment.

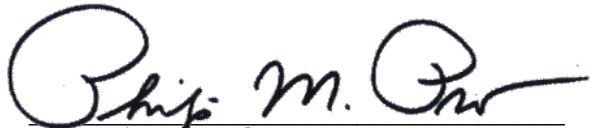
1 IT IS THEREFORE ORDERED that Plaintiff VFC Partners 1 LLC's Motion for
2 Summary Judgment (Doc. #31) is hereby DENIED.

3 IT IS FURTHER ORDERED that Defendants WOC, Inc., Simayof Inc., Adi
4 Simayof, and Sarit Simayof Cohen's Countermotion for Summary Judgment (Doc. #50) is
5 hereby DENIED.

6 IT IS FURTHER ORDERED that this case is hereby referred to Magistrate Judge
7 Carl W. Hoffman for a settlement conference.

8 IT IS FURTHER ORDERED that the parties shall file a proposed joint pretrial
9 order on or before November 1, 2012.

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11 DATED: October 1, 2012

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13 PHILIP M. PRO
14 United States District Judge
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